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Winters, William Huffman

Report of an early Alumni Assoc. of the Harvard...

[New York]

[1910]

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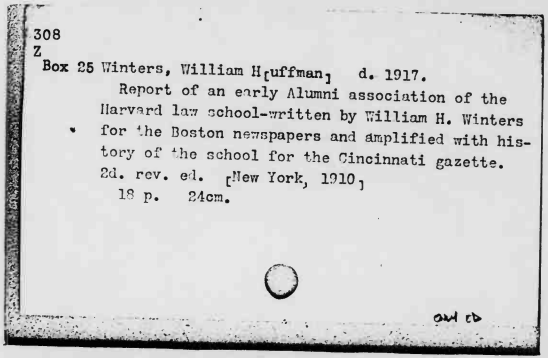

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Printed through the kindness of Col. John J. McCook on occasion of Establishment of a Newport City — Harvard Law School Association (1910) — Hon. Joseph H. Choate President.

[Second Revised Edition.]

Report of an early Alumni Association of the Harvard Law School—Written by William H. Winters for the Boston Newspapers and amplified with History of the School for the Cincinnati Gazette.

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Box 25

A meeting of the students and resident graduates of the Harvard Law School was held in the library room of Dane Hall, on the evening of the twenty-second of June, 1868, for the purpose of proposing a plan for the organization of an association of the past and present members of the school. At this meeting were present Moorfield Storey, Arthur Geo. Sedgwick, John Q. A. Brackett, William Blaikie, John J. McCook, George W. Dillaway, John M. Palmer, Henry T. Wing, Edward J. Holmes, Clark B. Montgomery, Marshall P. Stafford, Nicholas Fish, George H. Bates, Roswell H. Jerome, James Kilbourne, Theodore H. Tyndale, Charles H. Tweed, Vespasian Warner, Edward P. Nettleton, Addison Thomas, Edward O. Brown, Samuel E. Williamson, Edward G. Stetson, Almon Goodwin, James T. Van Rensselaer, Augustus H. Fenn, Charles W. Clifford, Edward C. Ames, John L. Thorndike, and many others.

A Committee was appointed to make arrangements for a second meeting, and to prepare an address to the older members of the school, inviting their attendance at, and co-operation in, the proceedings of the subsequent meeting.

Agreeably to such instruction, the following circular was prepared and issued by the Committee:

CAMBRIDGE, June 25, 1868.

Sir:—The many pleasant, personal and local associations which ordinarily grow out of the assembling together of young men, for the purposes of education and general culture, have often suggested to the members of the Law School of Harvard University a desire to adopt some means of keeping alive an interest in each other's fortunes and success in life, and in preserving those relations of personal regard which time and separation from each other can hardly fail to dim, if not to obliterate.

From Horace Binney W. Butler, President of Alumni Association — With Compliments of William H. Winters.

Encouraged by opinions expressed by past members of the School, the present members therof, in order to devise a plan for a more permanent union of influence and interest, convened at Dane Hall on the evening of the twenty-second inst., to consult upon the best means of accomplishing this purpose. A committee was appointed to consult with former members of the School and ask their co-operation, and to address to such of them as they could reasonably expect to be present, a circular inviting them to attend a meeting at an early day, for the purpose of forming an Association similar to the Alumni Associations of the New England Colleges, of such as have been members of the Harvard Law School, to come together at stated periods, and to strengthen and extend a liberal and generous sympathy among those who have been educated in the same noble science, and have shared the instruction and honors of a common Alma Mater. This circular, subscribed by past as well as present members of the School, has accordingly been prepared, and is now forwarded to you, requesting you to meet at Dane Hall, on Thursday, July 9th, 1868, at 7:30 o'clock, P. M., to confer and take measures to organize such an Association. If unable to attend, please communicate your views and wishes in the premises by letter, to be read at the meeting, addressed to George H. Bates, Cambridge, Mass. The undersigned would venture further to suggest, in favor of such an Association, that, if organized and sustained upon the broad and generous principle of cultivating a mutual respect and regard among the members of a profession so widely extended, and embracing within its scope so many subjects of important and interesting investigation, it can hardly fail to be of great value as an instrumentality for good, beyond its bearing upon the personal relation of its members. It can be made the medium of a sound public sentiment upon matters outside of the immediate precincts of professional duty, and will go far towards creating and strengthening that relation which ought to subsist between educated men, and supplying a principle of national life and unity to the active thought of the country.

Yours truly,

GEORGE S. HILLARD,	WILLIAM H. WINTERS,
BENJAMIN R. CURTIS,	JOHN Q. A. BRACKETT,
WENDELL PHILLIPS,	JOHN J. MCCOOK,
CHARLES T. RUSSELL,	HORACE R. CHENEY,
EMORY WASHBURN,	GEORGE H. BATES,
THOMAS RUSSELL,	THOMAS M. BABSON.

Mar. 29 1916-BB

The second meeting was held in Dane Hall on Thursday evening, July 9th, and was organized on motion of Hon. George S. Hillard, by the appointment of Ex-Governor Emory Washburn as Chairman.

Governor Washburn on taking the chair, made a statement of the objects of the meeting, and expressed himself as heartily in favor of the establishment of an association of the character proposed, believing that the existence of such an organization would advantageously affect the prosperity and influence of the School; that it would be a bond of sympathy and union between the members of the profession in all parts of the Union, who have enjoyed the advantages of a legal education at Cambridge, and would assist in securing the success of those important principles, and objects to which the attention of the Alumni has been called in the circular.

On motion of Mr. Edward Gray Stetson, Mr. William Huffman Winters was appointed Secretary.

Hon. Charles Theo. Russell moved that the meeting proceed to the organization of an Association of the School as proposed. The motion was carried.

On motion of Hon. Richard H. Dana, Jr., it was voted that a committee of five be appointed to draft a Constitution. The Chair appointed as members of said Committee: Messrs. Dana, Lathrop, Wright, Brackett and Babson.

During the absence of the Committee letters were read in response to the circular from Judge George Hoadly, Cincinnati; Gen. George F. Shepley, Portland; Hon. Elihu B. Washburne, Washington, D. C.; Wendell Phillips, Boston; John Lothrop Motley, Boston; William W. Story, Rome, Italy; Governor Rutherford B. Hayes, Columbus, Ohio; Judge Nathaniel Holmes, St. Louis, Mo.; Hon. Andrew G. Magrath, Charleston, S. C.; Hon. Charles A. Peabody, New York City; Hon. A. Oakey Hall, New York City; Judge Marcus Morton, Prof. Theophilus Parsons, and others.

Addresses relating to Law School recollections of the days of Story were made by James Russell Lowell (Class of 1841); Hon. George S. Hillard (Class of 1832); Hon. Richard H. Dana, Jr. (Class of 1840); and by other gentlemen, and those who have listened to Wendell Phillips at his best, or Lowell in the lecture room, or Hillard in private conversation with Hawthorne, Sumner or Choate, or Dana in his bar address on the occasion of Choate's death, may gather some idea of the exquisite pleasure enjoyed by the audience from an intellectual feast in which seductive and melodious word-sounds seemed "on golden hinges moving" while illustrating a theme in which all had a peculiar common interest.

The Committee on the Constitution, through their Chairman, Mr. Dana, made their report which was adopted as follows:

CONSTITUTION OF THE HARVARD LAW ASSOCIATION

PREAMBLE

The past and present members of the Dane Law School of Harvard University unite to form "The Harvard Law Association," having in view, among others, the following objects: To maintain and advance the character of the Dane Law School,—to promote its general welfare, to revive the pleasing memories of common legal studies, to secure the highest moral and intellectual standards for the legal profession, and to purify it from sectional and all other narrowing influences; also by cultivating a mutual respect and an agreeable social intercourse among its members, to become the medium of a sound public sentiment upon matters outside of the strict limits of professional duty, and to create and strengthen those relations which ought to subsist between educated men whose position gives them influence over the life and thought of the country.

ARTICLE I—OF MEMBERS

All who have been connected with the Law School, either as professors or students, shall be of right members of the Association.

ARTICLE II—OF OFFICERS

Section 1. The Officers of the Association shall be a President, five Vice-Presidents, a Recording Secretary, a Corresponding Secretary, a Treasurer, and an Executive Committee; all of whom shall be elected at regular meetings of the Association to serve for the term of two years.

Section 2. The President shall preside at all meetings, and perform all the other duties usually incident to that office.

Section 3. The Vice-Presidents in the order of seniority shall, in the absence of the President, perform his duties.

They shall be elected from each of the New England, Middle, Southern, Western and Pacific divisions of States.

Section 4. The Recording Secretary shall have charge of all records of the Association, shall make and keep accurate minutes of all meetings, shall prepare and preserve, as accurately as may be, a record of all members of the Association, with the year in which they left the School, their residence, the public positions which they may have held, and any other matters of interest concerning them. He may in his discretion appoint in any State an Assistant Secretary, whose duty it shall be to collect and forward to him any statistics in regard to the members of the Association in that section of the country.

Section 5. The Corresponding Secretary shall conduct the correspondence of the Association.

Section 6. The Executive Committee shall consist of five members, by election, residing in Massachusetts, and the Secretary and Treasurer, ex-officiis.

ARTICLE III—MEETINGS

There shall be a meeting of the Association every year, at such time as the Executive Committee shall appoint, who shall have authority to call special meetings, with such notice as they shall deem sufficient.

ARTICLE IV—AMENDMENTS

This Constitution may be amended at any regular meeting of the Association by a vote of two-thirds of those present.

Upon the adoption of the Constitution, a committee on permanent organization, composed of Messrs. Russell, Lowell, Thomas, Clifford and Bates were appointed.

The report of the Committee was accepted, and the following members were selected as the officers of the Association for the first term:

President, Hon. Benjamin R. Curtis, Massachusetts; Vice-Presidents, Hon. William M. Evarts, New York, Hon. George Hoadly, Ohio, Hon. Charles Bradley, Rhode Island, Hon. Ogden Hoffman, California, and Hon. Andrew G. Magrath, South Carolina. Recording Secretary, Hon. John Lathrop, Boston; Corresponding Secretary, Charles C. Read, Boston; Treasurer, Wm. I. Bowditch, Boston; Executive Committee, Hon. Richard H. Dana, Jr., Hon. George S. Hillard, Henry W. Muzzey, Esq., Frank Goodwin, Esq. and John F. Smith, Esq.

The following resolution was unanimously adopted:

Resolved, That the members of the Association are earnestly recommended to form auxiliary local clubs in the States and principal cities of the Union to assist in promoting the objects set forth in the preamble to the Constitution.

On motion, the meeting then adjourned.

Hon. William M. Evarts of New York City was subsequently selected to deliver the oration at the first meeting of the Association to be held at the Parker House in Boston in June 1869.

The Law School of Harvard University was organized by the appointment of Isaac Parker, Royall Professor of Law, on September 4, 1815. On May 14, 1817, Asahel Stearns was appointed University Professor of Law. In 1829 a generous bequest by Nathan Dane, the author of the Ordinance of 1787, enabled the corporation to establish the Dane Professorship of Law, and for many years afterwards the School was known as the Dane Law College of Harvard University. Joseph Story was induced to accept the Dane Professorship on June 3, 1829 and he held it until his death on September 10, 1845.

Among its first students were Rufus Choate and Caleb Cushing, both of whom acquired distinction in the class room of the School and in its Moot Court and Parliament.

It was early noticed that Judge Story's favorite pupils were Charles Sumner, Wendell Phillips, George S. Hillard, John Lothrop Motley, William M. Evarts and Richard H. Dana, Jr.

The favorite friend of Hillard and the one whom Judge Story desired as his successor in the Law Professorship—Charles Sumner—speaks often in the magazines of his loving interest in the School and of his once intimate connection with its library.

In a Phi Beta Kappa address delivered in Cambridge shortly after the death of Judge Story, he gives expression to his devotion and great love for his old teacher and friend, and in the Boston Daily Advertiser of September 16, 1845, is his tribute in these words: "It has been my fortune to see, or to know, the chief jurists of our times, in the classical countries of jurisprudence, France and Germany. I remember well the pointed and effective manner and style of Dupin, in the delivery of one of his masterly opinions in the highest Court of France. I recall the pleasant conversation of Pardessus, to whom commercial and maritime law is under a larger debt, perhaps, than to any other mind, while he descanted on his favorite theme. I wander, in fancy, to the gentle presence of him, with flowing silver locks, who was so dear to Germany,—Thibaut,—the expounder of the Roman law, and the earnest and successful advocate of a just scheme for the reduction of the unwritten law to the certainty of a written text. From Heidelberg I fly to Berlin, where I listen to the grave lectures and mingle in the social circle of Savigny, so stately in person and peculiar in countenance, whom all the continent of Europe delights to honor—but my heart and my judgment, untravelled, fondly turn, with new love and admiration, to my Cambridge teacher and friend.

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Jurisprudence has many arrows in her golden quiver, but where is one to compare with that which is now spent in the earth?"

Sumner was librarian of the School for a time and a lecturer on International Law. He and Hillard edited the American Jurist from 1834 to 1840. They eventually formed a law partnership and at one time had as a student in their office Mr. William W. Story, a son of the Judge, who afterward attained distinction as law writer, lecturer, essayist, poet and sculptor.

George S. Hillard was regarded by Walter Savage Landor and by John Kenyon as the most brilliant conversationalist they had ever met. He was a close and much trusted friend of Daniel Webster—Mr. Webster turns aside in a speech in the United States Senate to allude to some remarks "made the other day in the Massachusetts Senate by a young man of talent and of character, from whom the best hopes may be entertained," and he was immortalized by Hawthorne by references in the Custom-House sketch of "The Scarlet Letter," and in the prefatory matter of "Mosses from an Old Manse." He was also an intimate friend of Longfellow, Everett, George Ticknor, George Bancroft, George Wm. Curtis, the historian Prescott, and especially of Rufus Choate who alludes often to Hillard's delightful talks whether in public or to a more select audience of two or three. Hawthorne speaks of himself in his Concord life "as having grown fastidious by sympathy with the classic refinement of Hillard's culture."

He is the author of a book of travels "Six Months in Italy" still of interest and classic authority.

His memoirs of Jeremiah Mason, George Ticknor, Captain John Smith, Savage and Cleveland, editions of Spenser's and Landor's works, reviews for the magazines of choice writings of Longfellow, Hawthorne, Prescott, Bancroft, Felton and Ticknor, Phi Beta Kappa and Historical Society addresses on Wm. Ellery Channing, Professor

Felton, Judge Story, Edward Everett, "The Abuses of Genius" and "The Relations of the Poet to his Age," tributes to Fields, Webster, Parker and Choate, Fourth of July and Fanueil Hall Speeches, Campaign Life of General McClellan and miscellaneous writings such as "The Library of Daniel Webster," "The Boston Latin School," reviews of notable law books and weekly or monthly contributions to the North American Review, Christian Examiner, Atlantic Monthly, Boston Post, and Boston Transcript—the fruits of half hours, snatched from the toils and pressure of an arduous and jealous profession, the industrious embodiment of what Rufus Choate would have called "the studies and thoughts of fitful, fragmentary leisure"—make up the record, with his labors at the bar, in the Senate and Constitutional Convention and as United States District Attorney, of a busy, most remarkable, charming and useful life that from earliest boyhood breathed the atmosphere of letters.

NOTE—"The 'Moot Courts' were almost always held as sittings *in banc*. But I remember that, on one occasion Judge Story organized and presided at a *nisi prius* trial. The case was an action upon a policy of marine insurance and it turned upon the question of a total loss. The jury was composed of twelve students, drawn from the Divinity School. I forget how the evidence showing the loss was introduced, but I presume it must have been presented in depositions, borrowed probably from some actual case.

My distinguished and beloved friend, the late Hon. George S. Hillard, is the only one of the Counsel whom I remember as taking part in the trial. He "led" on one side or the other. He closed an impassioned peroration by exclaiming, 'Gentlemen of the jury, the verdict is mine! *I will have it!*' Yet I am quite unable to say how it went. But I know that a great deal was taught in those 'Moots,' in which all the forms were punctiliously observed."—BENJAMIN R. CURTIS.

The time is coming when the professional, or professional and literary work of certain members of the bar, of such men, for example, as George S. Hillard, Richard H. Dana, Jr., John Wells, Ogden Hoffman, Thomas Addis Emmet, William C. Preston, George Wood, Charles F. Southmayd, Thomas S. Grimké, Harrison Gray Otis,

William Slocomb Groesbeck, Henry Stanbery and of others, I might mention—will attract wide-spread curiosity and give rise, perhaps, to much interesting discussion and thought.

Speaking of George S. Hillard, a Boston admirer says—"He is the purest classical scholar of his generation at the Boston bar. Who, that has heard his public lectures, can ever forget his silvery voice, its melodious intonations, and his graceful manner? He is perfect master of a soft and most beautiful diction." I take pleasure and the opportunity of this pamphlet to print the following illustrations and extracts from his writings. The first is from his paper on "The Boston Latin School." "There is no better illustration of Homer than the daily course of a public school. His heroes are grown-up boys. Like them, they speak out the whole truth. Like them, they call names. Like them, they weep honest tears, and laugh hearty laughs. When a boy chances to make an ass of himself, by word or deed, with what distinctness is the fact communicated to him! He is never left to grope his way by inferences. Would that we could all be boys again, for one day!

What faces we should see in Court Street and State Street! I pass daily, in the streets, some of my old school-fellows. *To me they are always boys.* I see the blooming looks of childhood through those strong and manly lines. And yet, how many are changed! Such cold, money-getting eyes are turned upon me! Some have protuberant waistcoats, and are growing almost gouty. Some have that compressed lip and furrowed brow which speaks of suppressed grief,—of that unspoken sorrow whose darkling current mines away the heart unseen.

In some, the natural face is so changed that it looks like a mask. Some—many—are unaltered. With them, the flavor of youth is unimpaired. Towards them, the dark cloud has not turned. With them, the boy has flowed into the man, as the brook expands into the river. As I pass by these early companions, with a cold nod of recognition, I have often longed to stop them, and say to them, "Tell me, in ten words, your history. Where do you feel the pinch of life?"

In his reminiscences he speaks of Edward Everett, the prince of orators, of whom it was once said publicly at the close of a discourse—"the prince has finished his oration." Mr. Hillard's words are: "We recall, certainly with no complacent sense of superiority for the colder heart of manhood, the boyish enthusiasm with which we ourselves hung upon his accents in those days. He seemed to express and embody our dreams of an accomplished scholar and finished man. To miss hearing him, whenever he addressed the public, was an

annoyance which rose almost to the dignity of a misfortune. And to this day, we confess an incapacity to apply anything like an impartial judgment to his earlier discourses, because they are so indissolubly associated with all the entrancements and illusions of youth.

The fresh gales of the morning blow around as we read, and the dew of hope lies bright once more upon the untried world.

To us, there are words between the lines. Faces, now unknown on earth, throng back upon us, and we listen again to voices locked in the rugged cell of death. In that Nestor-like disparaging comparison, so apt to come with coming years, we have sometimes asked ourselves, not merely whether there was any one now capable of awakening such enthusiasm in young natures, but whether the feeling still survived,—whether any fairy shapes of enchantment yet lingered in the morning twilight of life, unscarred by the invading blaze of useful knowledge."

By letter, written in London after receipt of the first edition of this pamphlet, an illustrious American residing abroad communicated to me, with pardonable pleasure and pride, the interesting fact that his only sister had been educated under the care and direction of Mr. and Mrs. George S. Hillard and that she was married at their home in Boston.

The statement brought vividly to my mind the thought of the glorious good luck and felicity of young William Pitt, taught, advised, guided and inspired by the great Earl Chatham, or of a young, charming and ambitious "Corinne" trained jointly by a Chatham and a De Stael.

One may imagine her resting on beds of flowers; rose-crowned and lotus-dreaming in those happy Hillard days.

Today she loiters with her all-accomplished teachers as if on a life mission to be without cessation or change, or as another Empress Eugénie passing childhood days in Granada—in the cool shades and shadows of green trees, in the murmuring sound and silvery gleam of running waters. For her are Moorish and Spanish vistas, the snow-clad Sierra Nevada and the river sights, the outlook from Queen's boudoirs into the deep gorge of the Darro, the *patios* and *salas* of the Alhambra as witchery and study and the famous and favorite Moorish pageant *plaza de Bibarramba* in the town below. *Aqui y allá* history and romance are intermingling without discord and are interpreted in the silvery melody of the Hillard voices. For her are the chronicles, romances and songs of Irving and Longfellow, Chateaubriand and Victor Hugo, Florian and Lockhart, Bulwer and Disraeli and the frequent and long-dreaming visits to the surpassingly beautiful and enchanting Generalife gardens just below

the *Cerro del Sol*. She is *una niña feliz y afortunada*, listening in her fireside travels to guardians almost as familiar with Greece, Italy, Spain, historical and romantic scenes and places, as with the Boston Commons. And *tomorrow* she absorbs from them—romance less and roses fewer—the knowledge from every possible source that tends towards an intellectual perfection. "Heaven was lying close about her" in those Hillard days.

Motley was a stylish young man and, in the School, after the manner of his beau ideal Byron, and whom he so much resembled in personal appearance—Lady Byron once said that he was a perfect image of her husband—he was accustomed to wear a turn-over collar that showed a throat as white and smooth as a woman's.

One of his college contemporaries writes of him—"He was a scholar, and a ripe and good one, but little did any of us imagine that the handsome boy would ever live to study Dutch and write the history of Holland."

In the Latin School, the College and Law School he was very intimate with Wendell Phillips and Oliver Wendell Holmes. At the University of Göttingen he became an acquaintance and friend of Bismarck, the future great German statesman, and he was a frequent visitor to the latter's rooms on the Wall-Promenade and in the house of the tailor in Rothe Strasse not far distant from the Hotel Krone and just off the Weender Strasse.

Everett, Bancroft, Ticknor and Calvert were writers in Göttingen and here Longfellow as student-writer commenced his pilgrimage of the "Outre-Mer." Motley also wrote here his novel of "Morton's Hope" in which one of the student-characters was Bismarck.

NOTE—In 1875, the publisher of the Public Ledger in Philadelphia having sent Prince Bismarck a cane made from the wood of Independence Hall, the latter acknowledged the gift in the following letter:

"VARZIN, July 4, 1875.

Dear Sir:—You have had the goodness to send me, as a support to my old days, a cane made from the tower from whose heights, ninety-nine years ago, the bell was rung for the first time in honor of that great commonwealth whose ship bells now sound their full and

American Göttingen Students—
William B. Astor, J. Pierpont Morgan Sen.

welcome tongue in all harbors of the world. For this historical treasure, I beg you to accept my heartiest thanks. I shall honor it, carefully preserve it, and with other relics of remarkable years, bequeath it to my children. This day is one of those which always recall to my mind the happy hours that I have spent on many a Fourth of July with American friends, the first time with John Lothrop Motley, Mitchell G. King and Amory Coffin, in 1832, at Göttingen.

I only wish, my dear sir, that you and I could always be as sound and happy as we four lusty fellows, when, forty-three years ago, we celebrated the Fourth of July at Göttingen."—VON BISMARCK.

Edward Everett's careful and methodical habits and his treatment of literary material may be noticed in a volume from his library of early Addresses delivered at Miami University by Dr. Robert H. Bishop, Dr. Lyman Beecher, Hon. Thomas S. Grimké, Hon. Thomas Ewing, Hon. Charles Anderson and others.

He has carefully mended the torn leaves and then bound up the pamphlets in a volume, with contents indexed, and in it he has inserted his library plate. In a small pamphlet, also bound and library stamped—*Gesetze für die Studierenden auf der Georg-Augusts-Universität zu Göttingen. Göttingen*, 1814—he makes the entry in his own handwriting "This copy of the Laws of the University at Göttingen was given me when I entered it as a student in August, 1815.—EDWARD EVERETT."

Motley was later on a fellow-lodger with Bismarck in Berlin at No. 161 Friedrich Strasse, and in after life in Brussels and The Hague he wrote in many octavo volumes his histories "The Rise of the Dutch Republic" and the "History of the United Netherlands."

It was of Motley that Goethe wrote from Weimar, "I wish to see the first book that young man will write."

Motley and N. Parker Willis were both suitors of the beautiful and accomplished Mary Benjamin, the sister of Park Benjamin, but Motley proved to be the successful *novio*, and seekers after early and rare literary items of Motley, as well of William M. Evarts, will find them in the first issues of Benjamin's "New World" published in New York City, 1840-1845.

Judge Story was so much pleased with a brief prepared by young Dana in a Law School Moot Court case that he carried it to Washington to show the Judges there what his boys were capable of. Dana in after life was the distinguished counsel in the Anthony Burns Fugitive Slave case, the Kalloch trial, the Dalton Divorce case in which he was opposed by Choate, the Prize and the Halifax Fisheries cases. He was the author of the famous "Two Years Before the Mast" written in early manhood and securing him the unbounded admiration of Dickens, "The Seaman's Friend" and a book of travels "To Cuba and Back." He is also the editor of the Standard Edition of Wheaton on International Law.

Rufus Choate, Dana and Hillard were the most brilliant and useful members of the Massachusetts Constitutional Convention of 1853.

Dana wrote an interesting account of his Law School life that was printed in Story's Life and Letters, and in one of his early letters occurs the following:

"The most successful speech made at the school during the whole time I was there, was made before a jury of undergraduates, Judge Story on the bench, by William M. Evarts. A law argument which he introduced into it, addressed to the Court, was the most complete, systematic, precise and elegantly spoken law argument I have ever yet heard, including many arguments of our most distinguished counsel before our highest courts. Indeed Evarts has been a peculiar young man at school, college, and in professional studies. ***If he does not become distinguished, he will disappoint more persons than any other young man I have ever met with.***"

NOTE—Mr. Evarts' notes of his law readings with extracts from Blackstone's Commentaries commenced while a student in the Dane Law School, and which he presented to me, are preserved in a small quarto volume of seventy-four pages. In the book is inscribed his motto: *"Palma non sine pulvere."*

It is curious to note the extraordinary influence and fascination exerted in pro-slavery times by the Southern law students.

Phillips frequently alludes to them and is believed to have been a convert to their views on the slavery question up to the time of his marriage. There are those, listening to James Russell Lowell's reminiscences of his Law School days, who noticed that he never failed to speak of the brilliant Southerners of his time. In fact he seldom mentioned any other of his contemporaries. Like Phillips and Holmes he seems to have fallen an easy victim to their literary culture and charming magnetic personalities. Edward Everett Hale in his Harvard reminiscences refers to one of his idols a southern law student.

Alas, that the kindly feeling of School contact and intimacy should have been shattered and dissipated for a time by the bloody episodes of the Civil War when charming young Southern Knights of the School went down in numbers in the Pickett charge at Gettysburg, and Northern romantic figures like the dashing Cavalry Leader, Colonel Minor Millikin, in the whirlwind charges at Stone River and elsewhere.

And so long ago it was written in the Book of Genesis—"And Abram said unto Lot, let there be no strife, I pray thee, between me and thee, and between my herdsmen and thy herdsmen; ***for we be brethren.***"

NOTE—His Miami University friend Gen. Alexander C. McClurg, of Chicago, writes of Col. Minor Millikin: "In college he was a good student, and fond of his books, but never a remarkable scholar. Like many another promising fellow, he thought more of preparing an occasional essay, and of excelling in the College Literary Society, than of shining in the class-room. Efforts at oratory had for him a special attraction; and he very soon had a reputation as a speaker, which we then thought presaged great things for him in later life. But in college, as always, he devoted constant attention to athletics. He was the best horseman, the finest jumper, the best and most fearless boxer, and withal an unrivalled master of the broadsword.

To his many other accomplishments, he united a passion and a great facility in music. He was a skillful performer on the violin, piano, the bugle and the cornet.

He told me once how he had himself taught his buglers to give the proper dash and spirit to the calls, and he blew the stirring cavalry calls as I have seldom heard them given."

In "Ohio in the War" Whitelaw Reid an intimate College and Delta Kappa Epsilon friend says: "The first Ohio Cavalry fell back from the field of its glory, where it had made one of the most heroic charges of the war, with saddened hearts, for weltering in his life's blood, in the midst of the carnage, lay its young and gallant commander, Minor Millikin. Justice never lost a more faithful champion, nor his country a more promising genius or heroic son. Fame on the list of her favored ones has few younger and no brighter names. *Had Minor Millikin's life been spared*—but we dare not say it! He lived long enough to die for his country, and who could ask a more glorious destiny?"

Professor David Swing, in his address delivered at Miami University in 1863, says:—"The fall of Minor Millikin reminds us of the wonderful part played in God's earthly economy by sacrifice," and his beautiful discourse in memory of Colonel Millikin is inscribed to "The Spirit of Sacrifice."

It is a Collegian's tribute to the noble and heroic friend—*the perfect embodiment of valor and virtue*—who in early brilliant manhood in all that implies to self, devoted wife and kindred—at the call of country had "gone before to the unknown and silent shore."

At the Dedication of the Dane Law College in 1832 Mr. Wendell Phillips and Mr. Benjamin F. Thomas were the chosen representatives of the students of the College, and on the occasion of Judge Story's death in 1845, Mr. Anson Burlingame presided at a meeting of the students of the School that was held in the hall of the Parliament.

Addresses have been delivered before the School and printed by Judge Story on his inauguration as Dane Professor of Law, by Judge Story on the death of Professor Ashmun, by Josiah Quincy on the Dedication of the Dane Law College, by Rufus Choate on "The American Bar," by Professor Greenleaf on the death of Story, by Professor Joel Parker on the death of Webster, and by Professor Parsons on the death of Choate. There were also printed

a lecture by Professor Parsons of reminiscences of distinguished lawyers, and in 1858 an address before Parliament by a student, Mr. John P. Jackson, of Newark.

In 1851, Hon. Rufus Choate addressed the "The Story Association" of the Law School.

In 1867, Hon. Richard H. Dana, Jr., delivered a course of special lectures on International Law, and in 1868 Professor Parker delivered by request of the students a lecture on the "Dangers to the Constitution."

In 1868, there was prepared in manuscript by William H. Winters an elaborate and complete Bibliography of the Dane Law School.

Among the distinguished lawyers, jurists, statesmen, diplomats, brilliant orators, and men of literature and art, enrolled in the Dane Law School membership have been Caleb Cushing, Rufus Choate, Benjamin R. Curtis, Wendell Phillips, Charles Sumner, Oliver Wendell Holmes, John Lothrop Motley, George Ticknor Curtis, George S. Hillard, William M. Evarts, Richard H. Dana, Jr., William W. Story, Rufus King, Rutherford B. Hayes, Emory Washburn, George Hoadly, Elihu B. Washburne, John Wentworth, Anson Burlingame, James Russell Lowell, Henry James, Willie Winter, Francis Parkman, A. Oakey Hall, Joseph H. Choate, William G. Choate, James C. Carter, John L. Cadwalader, Ogden Hoffman, Everett P. Wheeler, Robert Todd Lincoln, Fletcher Webster, William Everett, Alexander H. Bullock, Marcus Morton, John Jacob Astor, Charles J. Bonaparte, Minor Millikin, Edwin A. Parrott, William Kent, Richard Olney, J. L. M. Curry, George F. Shepley, Sidney Webster, Henry A. Cram, George Bliss, Addison Brown, Gunning S. Bedford, John D. Townsend, Larz Anderson, Sidney Bartlett, Chas. A. Peabody, James M. Smith, William Preston, Sam'l G. Arnold, Austen G. Fox, Peter B. Olney, Albert Stickney, William H. Hurlbert, Charles G. Loring, Benjamin F. Hallett, George W. Smalley, Melville W. Fuller, George M. Towle, Wm. P. Whyte, E. Rockwood Hoar, George F. Hoar, etc.

If all Greek literature and art—statuary, architecture, drama, poetry, history, oratory and philosophy were destroyed or banished from the world, there would be left little of superior interest or merit.

In the Greek States were organized and developed every possible form of City and State Governments, and Athens itself was the source and home of all modern ideas. So if you strike out of American law literature the contributions of the Professors and graduates of the Harvard Law School there will be but little left of merit or worthy of more than mere mention.

Its contributions are those of Simon Greenleaf, Nathan Dane, Emory Washburn, Caleb Cushing, Luther S. Cushing, Francis Hilliard, George Ticknor Curtis, Timothy Walker, Theodore Sedgwick, Asahel Stearns, George Bemis, William Whiting, John Appleton, John G. Marvin, George Bliss, Joseph Willard, Peleg W. Chandler, J. C. Perkins, John Lowell, George F. Betts, Henry D. Sedgwick, John J. Putnam, Francis H. Upton, Richard H. Dana, Jr., Theophilus Parsons, William W. Story, Joseph Story, and so many others of that remarkable class.

The Harvard Law School is the classic Salamanca, Bologna, Oxford or Göttingen of America and well worthy of the admiration, love and devotion of the Story pupils—the Choates, Sumner, Phillips, Hillard, Dana, Evarts, Burlingame, King and Hoadly.

It is the type and true successor of the old Litchfield Law School and as Reeve, Gould and Calhoun have been and are identified with Litchfield—so Story, Greenleaf, Washburn and Parsons will be associated always with the name and fame of the Cambridge School.

WILLIAM H. WINTERS,

Boston, July 15, 1868. Class of 1868.

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